

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

Alesha Mayo and Gary Walter,

Plaintiffs,

v.

CitiGroup, Inc.; and DOES 1-10, inclusive,

Defendants.

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: Civil Action No.: 7:13-CV-242 [NAM/DEP]
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: **COMPLAINT**
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For this Complaint, the Plaintiffs, Alesha Mayo and Gary Walter, by undersigned counsel, state as follows:

JURISDICTION

1. This action arises out of Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq.
2. This Court has original jurisdiction over Plaintiffs' TCPA claims. *Mims v. Arrow Fin. Serv., LLC*, 132 S.Ct. 740 (2012).
3. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

5. Plaintiff Alesha Mayo is an adult individual residing in Watertown, New York.
6. Plaintiff Gary Walter is a resident of Pennsylvania.
7. Defendant CitiGroup, Inc. ("CitiGroup"), is a New York business entity with an address of One Court Square, 45th Floor, Long Island City, New York 11120.

8. Does 1-10 (the “Agents”) are individual agents employed by CitiGroup and whose identities are currently unknown to the Plaintiffs. One or more of the Agents may be joined as parties once their identities are disclosed through discovery.

9. CitiGroup at all times acted by and through one or more of the Agents.

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. Robocall Harassment of Alesha Mayo

10. Beginning on or around November 2012, the Defendants began robo-calling Alesha’s cellular phone for the purpose of collecting an alleged debt from Wayne Mayo.

11. At all times mentioned herein, Defendants contacted Alesha’s cellular telephone number [xxx-xxx-6807] using an automated telephone dialer system (hereafter “Robocalls”).

12. Alesha never provided Defendants with her cellular telephone number to be contacted.

13. Alesha communicated with Defendants over a dozen times to demand that Defendants cease Robocalls to her cellular line.

14. Nevertheless, Defendants continued to place up to seven (7) Robocalls each day to Alesha’s cellular telephone.

B. Robocall Harassment of Gary Walter

15. Beginning in or around October 2012, Defendant repeatedly placed automated calls using an ATDS to Gary Walter’s cellular telephone.

16. Walter has never provided his cellular number to Citi and never consented to be contacted by Citi on his cellular telephone.

17. Despite Plaintiff’s request that Defendant cease making automated calls to his cellular phone, Defendant continued to place automated calls to him.

COUNT I

**VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –
47 U.S.C. § 227, et seq.**

18. The Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

19. Without prior consent the Defendants contacted the Plaintiffs by means of automatic telephone calls or prerecorded messages at a cellular telephone in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

20. The foregoing acts and omissions of the Defendants constitute numerous and multiple violations of the Telephone Consumer Protection Act, including every one of the above-cited provisions.

21. The Plaintiffs are entitled to damages as a result of the Defendants' violations.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully pray that judgment be awarded in the Plaintiffs' favor and against the Defendants as follows:

1. Statutory damages of \$500.00 for each violation pursuant to 47 U.S.C. § 227(b)(3)(B) & (C); and
2. Granting the Plaintiffs such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: March 5, 2013

Respectfully submitted,

By: /s/ Sergei Lemberg

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